



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

January 27, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exceptions to operate a Convenience Store, 24-Hours (with fuel sales and an Establishment for the Sale of Alcoholic Beverages for Off-Premises Consumption – 7-Eleven**

Reviewed:

Ward/Superward: 4/7

Ronald H. Williams, Jr., Deputy City Manager

Approved:

Marcus D. Jones, City Manager

Item Number:

R-2

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exceptions to operate a 24-hour convenience store with alcoholic beverages for off-premises consumption – 7-Eleven
- IV. **Applicant:** 7-Eleven – 800 East Brambleton Avenue
- V. **Description**
 - The site is located in a C-3 (Retail Center) District, which permits a 24-hour convenience store with fuel sales and the sale of alcohol for off-premises consumption with special exceptions.
 - The proposed site is currently developed with a gas station and car wash.
 - This application will reconfigure the site, eliminate the car wash and provide improved vehicular circulation on site and within the right-of-way.

	Proposed
Hours of Operation	24 Hours a day, Seven days a week
Hours for Sale of Alcoholic Beverages for Off-Premises Consumption	6:00 a.m. until 12:00 midnight, Seven days a week

Staff point of contact: Ashton Jones at 664-7470, ashton.jones@norfolk.gov

Attachments:

- Staff Report to CPC dated December 11, 2014 with attachments
- Proponents and Opponents
- Ordinances

Proponents and Opponents

Proponents

Stephen Romine
999 Waterside Drive
Norfolk, VA 23510

Opponents

None



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

December 11, 2014

From: Ashton Jones, AICP **AS**
City Planner II

Subject: For the following Special
Exceptions at 800 E Brambleton
Avenue – **7-Eleven:**

- a. To operate a Convenience
Store, 24-Hours (with fuel sales
- b. To operate an Establishment
for the Sale of Alcoholic
Beverages for Off-Premises
Consumption.

Reviewed: Leonard M. Newcomb III, CFM *LWN*
Land Use Services Manager

Ward/Superward: 4/7

Approved: *George M. Homewood*
George M. Homewood, AICP, CFM
Planning Director

Item Number: 6

I. Recommendation:

Staff recommends approval, subject to the attached conditions that are necessary to ensure compliance with *Zoning Ordinance* requirements.

II. Applicant: Stephen Romine

III. Description:

This request would allow the construction of a new 24-hour 7-Eleven convenience store with gasoline sales. The request also asks to permit the sale of beer and wine for off-premises consumption; single servings will not be allowed.

IV. Analysis

The site is located along the northeast corner of E Brambleton Avenue and Church Street within the Church Street Crossing Shopping Center.

Plan Analysis

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

Zoning Analysis

- The site is located in a C-3 (Retail Center) District, which permits a 24-hour convenience store with fuel sales and the sale of alcohol for off-premises consumption with special exceptions.
- The proposed site is currently developed with a gas station and car wash.
- This application will reconfigure the site, eliminate the car wash and provide improved vehicular circulation on site and within the right-of-way..

	Proposed
Hours of Operation	24 Hours a day, Seven days a week
Hours for Sale of Alcoholic Beverages for Off-Premises Consumption	6:00 a.m. until 12:00 midnight, Seven days a week

Trip Generation Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 851 new vehicle trips per day.
- Based upon ITE data, the prior gas station use on this site would be expected to generate 1,686 weekday trips while the proposed new 24-hour convenience store with gasoline sales use would be expected to generate 2,537 trips on weekdays.
- The site is near frequent transit service with Hampton Roads Transit (HRT) bus route 4 (Church Street) operating along Church Street and HRT bus routes 9 (Sewells Point Road), 13 (Campostella) and 18 (Ballentine) serving Brambleton Avenue near the site.

Parking Analysis

- As proposed the new convenience store with fuel sales will require 24 parking spaces. This application is proposing 27 spaces, 3 more than required.
 - After this site is redeveloped, the existing shopping center will have approximately 207 spaces remaining.
 - While it appears this should be sufficient, during site plan review a detailed analysis will be performed and any adjustments needed to be in compliance with City development standards will be required.
 - The existing shopping center will not be permitted to become parking deficient due to this application.

V. Financial Impact

The property owner is current on all taxes.

VI. Environmental

- The site is located in a district surrounded by a mix of commercial, residential and institutional uses nearby.
- The development of the site will be required to go through site plan review and will meet city development regulations including landscaping and stormwater.

VII. Community Outreach/Notification

- Legal notice was posted on the property on November 4.
- Letters were sent to the Young Terrace and Calvert Square Civic Leagues on December 2.
- Letters were mailed to all property owners within 300 feet of the property on November 26.
- Legal notification was placed in *The Virginian-Pilot* on November 27 and December 4.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning, the Department of Public Works – Transportation Division and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proposed conditions
- Location map
- Zoning map
- 1000' radii map of similar ABC establishments
- Application
- Letters to the civic leagues

Proponents and Opponents

Proponents

Stephen Romine
999 Waterside Drive
Norfolk, VA 23510

Opponents

None

7-Eleven – 800 E Brambleton
24-Hour Convenience Store

- (a) The hours of operation for the facility may be 24-hours, seven days a week.
- (b) The site shall be generally designed in accordance with the conceptual site plan, as prepared by "Land Design and Development" dated October 24, 2014, attached hereto and marked as "Exhibit A" subject to any required revisions made during the Site Plan Review process
- (c) Existing non-conforming freestanding signs shall be removed.
- (d) At all times, signage must comply with the applicable regulations of Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), entitled "Signs."
- (e) The facility shall maintain a current, active business license at all times while in operation.
- (f) The facility shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) During all hours of operation, the facility operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) No business license shall be issued until a certificate of occupancy has been issued for the building.

Print Name: _____

Sign: _____ Date: _____

7-Eleven – 800 E Brambleton

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be from 6:00 a.m. until 12:00 a.m., seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the

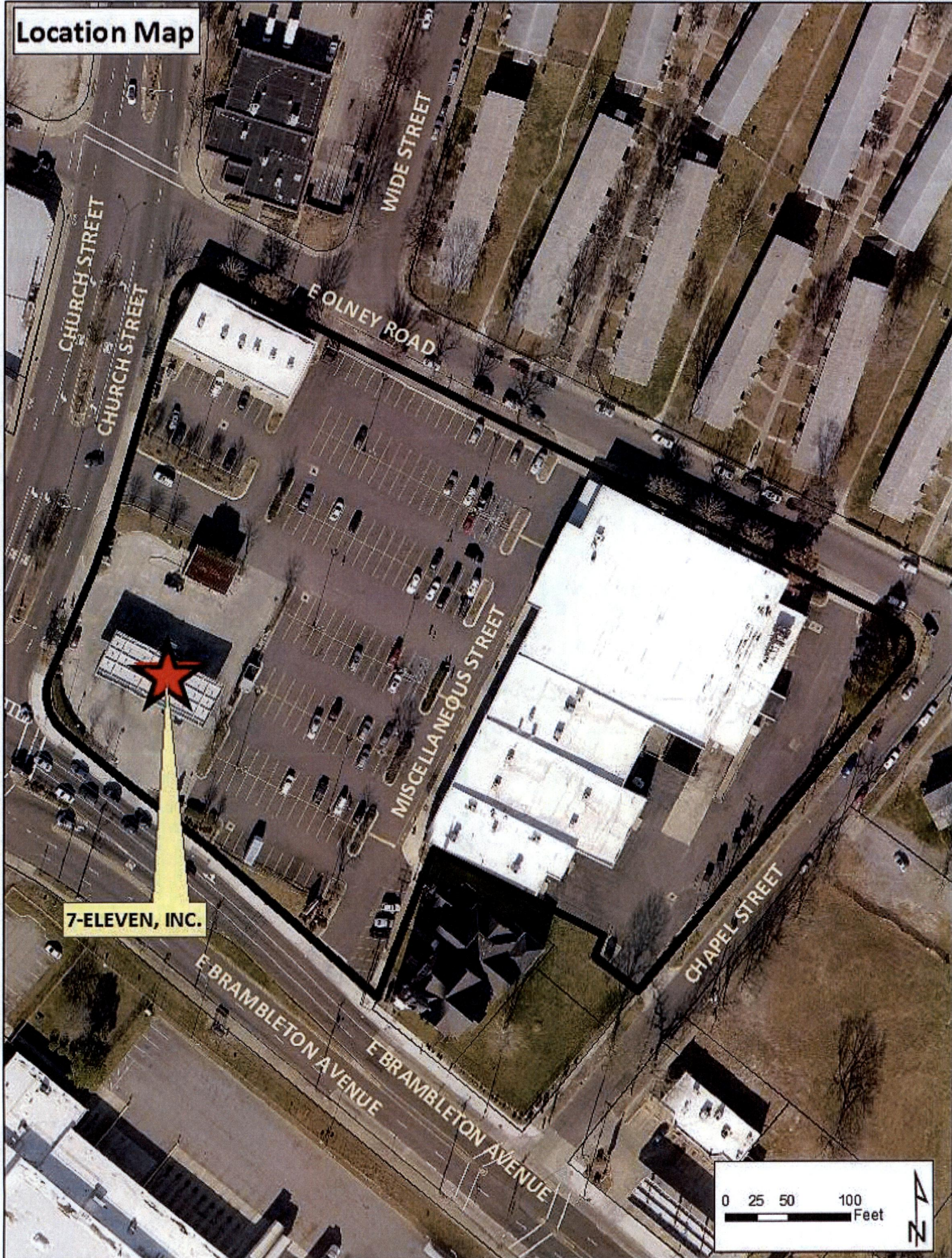
requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

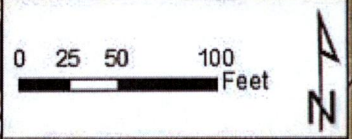
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Sign: _____ Date: _____

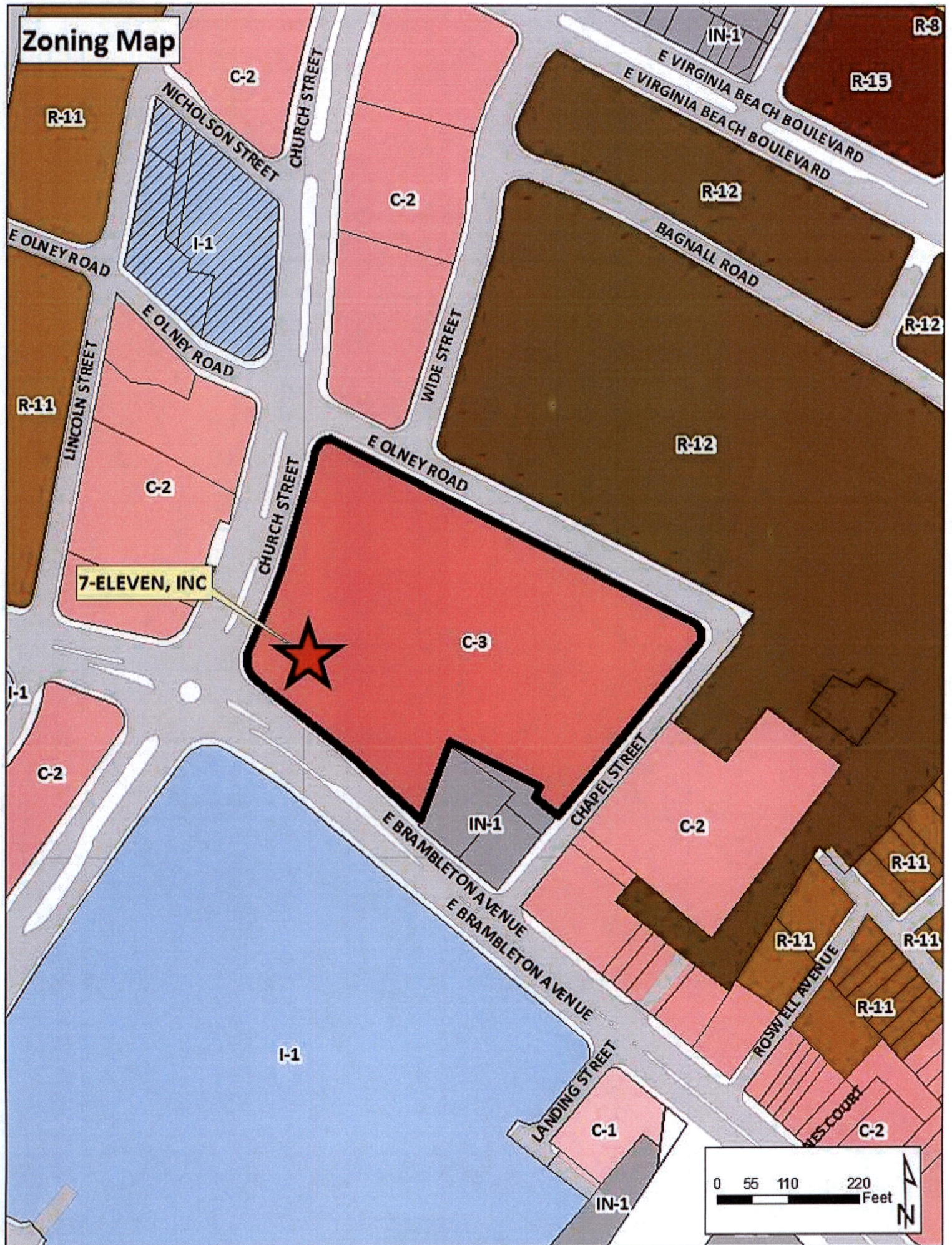
Location Map



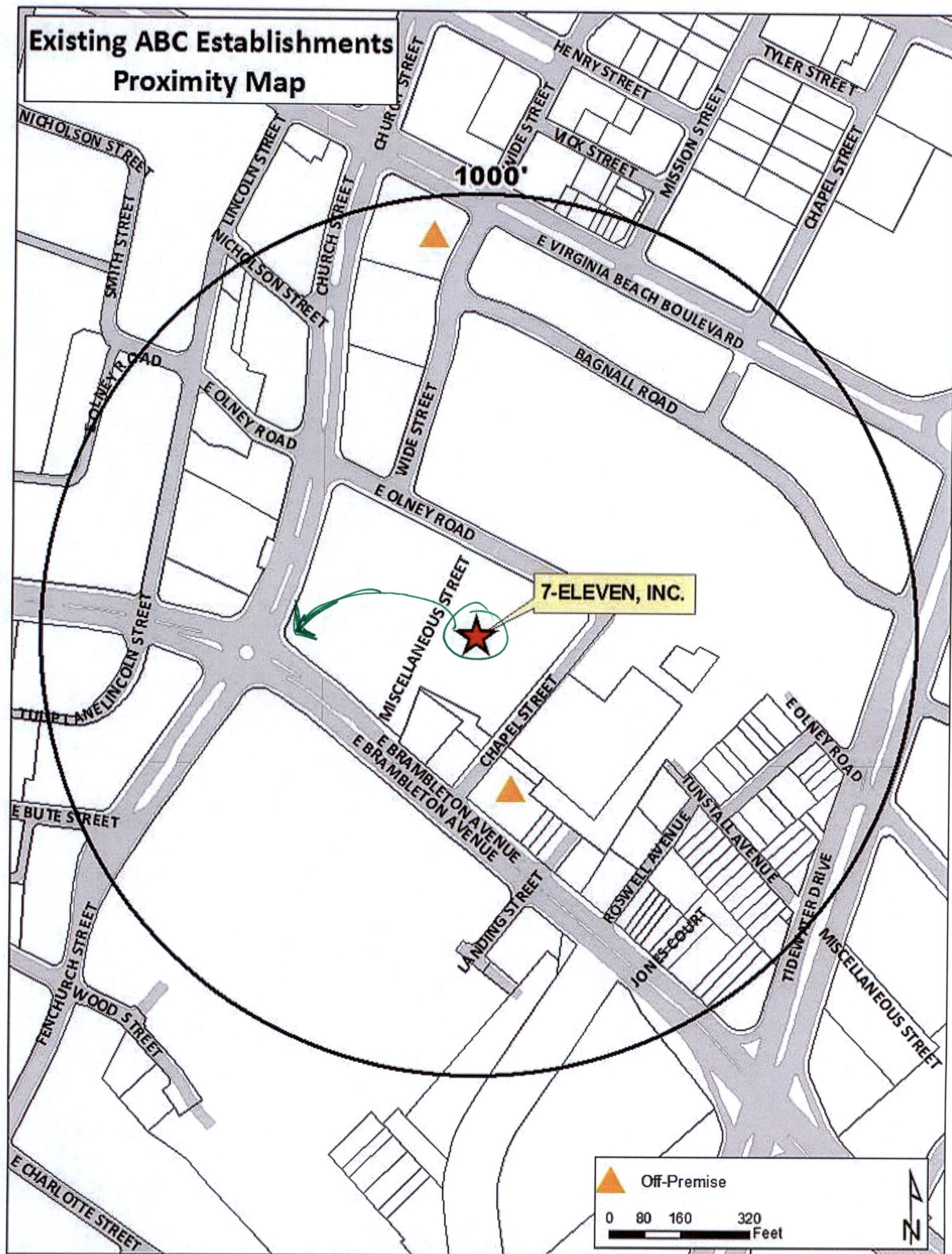
7-ELEVEN, INC.



Zoning Map



Existing ABC Establishments Proximity Map





APPLICATION SPECIAL EXCEPTION

Special Exception for: To operate a convenience store, 24 hours (with fuel sales).

Date of application: September 27, 2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 720 (Street Name) Church Street

Existing Use of Property Kiosk gas station in shopping center parking lot.

Current Building Square Footage

Proposed Use

Convenience store with fuel sales and ABC for Off-Premise Consumption.

Proposed Square Footage 3,000

Proposed Hours of Operation:

Weekday From 24 hours To

Friday From 24 hours To

Saturday From 24 hours To

Sunday From 24 hours To

Trade Name of Business (If applicable) 7-Eleven, Inc.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Application
Special Exception
Page 2

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant Fax number

E-mail address of applicant:

2. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner Fax number

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: [Signature] Sign: [Signature] 10 / 27 / 14
(Property Owner or Authorized Agent Signature) (Date)

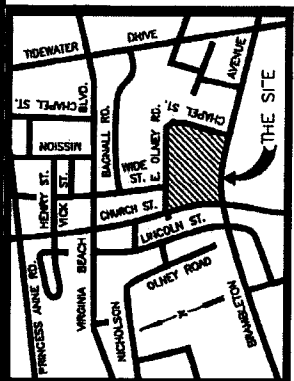
Print name: Stephen R. Romine Sign: [Signature] / 10 / 27 / 14
(Applicant or Authorized Agent Signature) (Date)

LAND DESIGN AND DEVELOPMENT, INC.
 6371 CENTER DRIVE, SUITE 200
 NORFOLK, VIRGINIA 23502
 (757)490-0672 FAX: (757)499-7319

DATE:	
REVISIONS:	

PRELIMINARY PLAN
 OF
 SEVEN ELEVEN
 720 CHURCH STREET
 NORFOLK, VIRGINIA

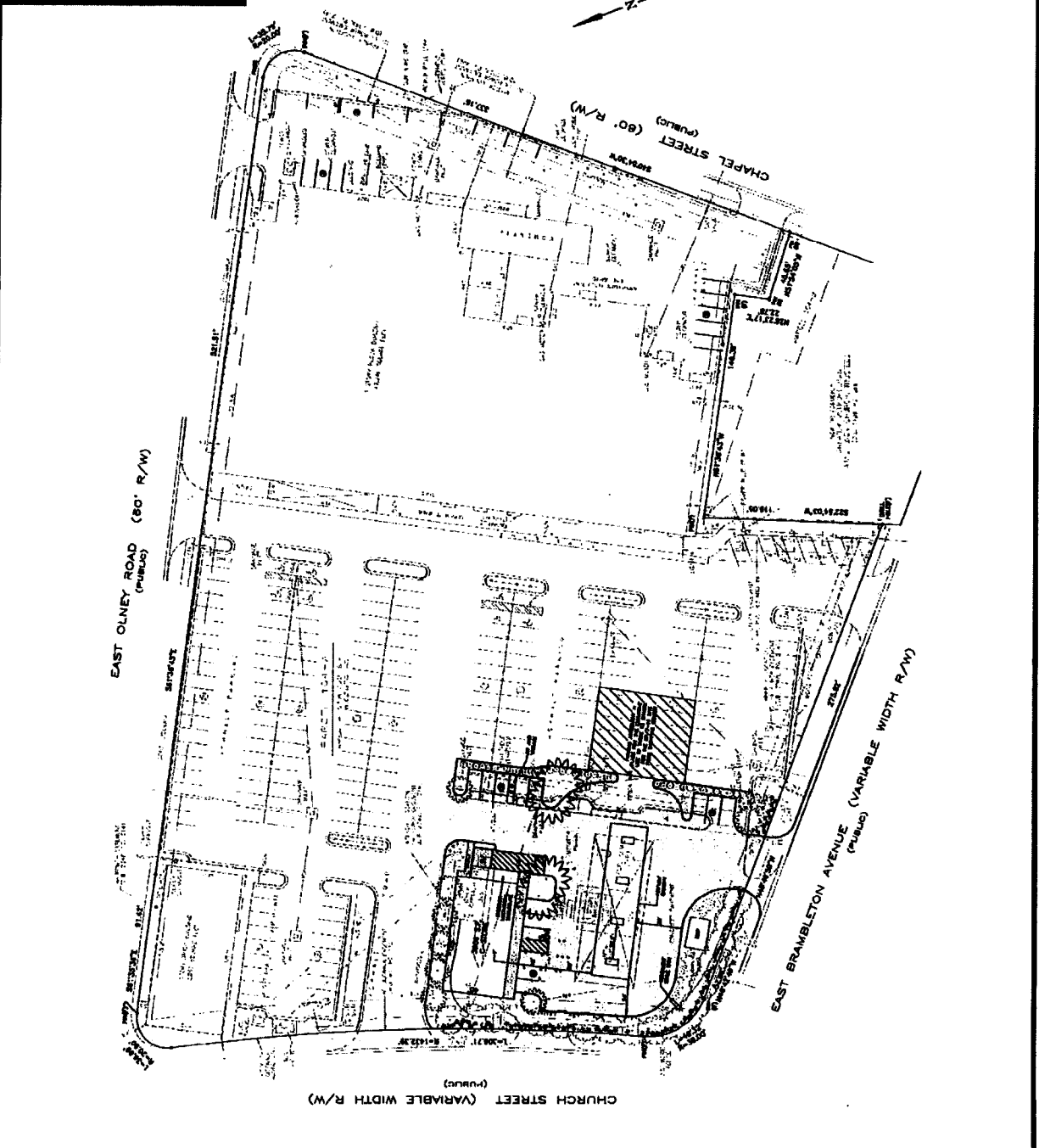
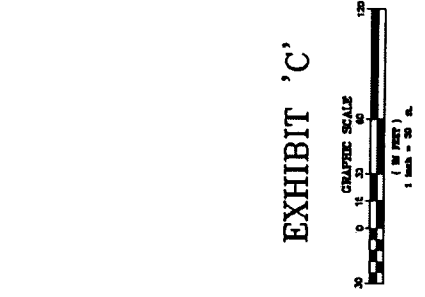
DATE:	11/11/11
SCALE:	1" = 100'
PROJECT:	SEVEN ELEVEN
LOCATION:	720 CHURCH STREET
CITY:	NORFOLK, VIRGINIA



VICINITY MAP
 SCALE: 1" = 1000'

- SITE STATISTICS**
- 1. SITE ADDRESS: 720 CHURCH STREET
 - 2. SITE AREA: 3,875 S.F. OR 0.09 AC.
 - 3. ZONING: COMMERCIAL, 34.000 S.F. (34.000)
 - 4. PARKING: 10 SPACES (1.000 S.F. (1.000))
 - 5. EXISTING USE: RETAIL
 - 6. PROPOSED USE: RETAIL
 - 7. SITE OWNER: LAND DESIGN AND DEVELOPMENT, INC.
 - 8. SITE DESIGNER: LAND DESIGN AND DEVELOPMENT, INC.
 - 9. SITE ENGINEER: LAND DESIGN AND DEVELOPMENT, INC.
 - 10. EXISTING LOT: 3,875 S.F.
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 - 100. EXISTING LOT: 3,875 S.F.

EXHIBIT 'C'





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: October 27, 2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 720 (Street Name) Church Street

Existing Use of Property Kiosk gas station in shopping center parking lot

Current Building Square Footage

Proposed Use Convenience store with fuel sales

Proposed Building Square Footage 3,000

Trade Name of Business (If applicable) 7-Eleven, Inc.

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Romine (First) Stephen (MI) R

Mailing address of applicant (Street/P.O. Box): 999 Waterside Drive, Suite 2100

(City) Norfolk (State) Virginia (Zip Code) 23510

Daytime telephone number of applicant (757) 441-8921 Fax number (757) 624-3773

E-mail address of applicant: SRomine@LeClairRyan.com

2. Name of property owner: (Last) 720 Church Street, LLC (First) (MI) (

Mailing address of property owner (Street/P.O. box): 4101 Granby Street, Suite 201

(City) Norfolk (State) Virginia (Zip Code) 23504-1117

Daytime telephone number of owner (757) 204-1246 Fax number (757) 961-0421

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: Calvert Square/Deborah Assabur-Glover

Date(s) contacted:

Ward/Super Ward information: Ward 4/Paul R. Riddick & Ward/7 Angelia Williams

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Paul R. Riddick Sign: [Signature] 10/27/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: Stephen R. Romine Sign: [Signature] 10/27/14
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: October 27, 2014

Name of business: 7-Eleven, Inc.

Address of business: 720 Church Street

Name(s) of business owner(s)*: See attached Exhibit

Name(s) of property owner(s)*: 720 Church Street, LLC

Name(s) of business manager(s)/operator(s): 7-Eleven, Inc.

Daytime telephone number ((757) 478-0172)

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 24 hours To

Friday From 24 hours To

Saturday From 24 hours To

Sunday From 24 hours To

Alcoholic Beverage Sales

Weekday From 6 a.m. To 12 midnight

Friday From 6 a.m. To 12 midnight

Saturday From 6 a.m. To 12 midnight

Sunday From 6 a.m. To 12 midnight

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


Signature of applicant/owner

CITY OF NORFOLK
APPLICATION FOR CITY PLANNING COMMISSION PUBLIC HEARING

(7-ELEVEN, INC. – 720 CHURCH STREET)

PROJECT DESCRIPTION
(Adult Use Special Exception – ABC Off-Premises)

The Applicant proposes the renovation of a portion of the parking lot of 720 Church Street and 800 E. Brambleton Avenue, approximately 3,000 square foot (interior) for a 7-Eleven convenience store on approximately 32,575 square feet at 720 Church Street. This Adult Use Special Exception-ABC-Off Premises Permit is necessary to allow the sale of alcoholic beverages for off premises consumption. In addition, the Applicant has filed with this Application a Special Exception Application to operate a convenience store with gasoline sales, 24 hours per day, seven (7) days a week.

December 2, 2014

Janice Walton
President, Young Terrace Civic League
823 Smith Street
Norfolk, VA 23510

Dear Ms. Walton:

The Planning Department has received applications for the following Special Exceptions on behalf of 7-Eleven on property located at 800 E Brambleton:

- a. For the operation of a Convenience Store, 24-Hours (with fuel sales)
- b. For the operation of an Establishment for the Sale of Alcoholic Beverages for Off-Premise Consumption

These requests are tentatively scheduled for the December 11, 2014 City Planning Commission public hearing.

Summary

These requests would allow the construction of a new 7-Eleven gas station and convenience store. The sale of single servings of wine and beer would not be allowed.

	Proposed
Hours of Operation	24-Hours Seven days a week
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	6:00 a.m. until 12:00 midnight, Seven days a week

If you would like additional information on the requests, you may contact the applicant's agent, Steve Romine, at (757) 441-8921 or you may contact me at ashton.jones@norfolk.gov or (757) 664-7470. A copy of the complete application packet is enclosed.

Sincerely,



Ashton Jones, AICP
City Planner II

cc: Oneiceia Howard, Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761



City of NORFOLK

December 2, 2014

Deborah AsSabur-Glover
President, Calvert Square Civic League
893 Bagnall Road
Norfolk, VA 23504

Dear Ms. AsSabur-Glover:

The Planning Department has received applications for the following Special Exceptions on behalf of 7-Eleven on property located at 800 E Brambleton:

- a. For the operation of a Convenience Store, 24-Hours (with fuel sales)
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If you would like additional information on the requests, you may contact the applicant's agent, Steve Romine, at (757) 441-8921 or you may contact me at ashton.jones@norfolk.gov or (757) 664-7470. A copy of the complete application packet is enclosed.

Sincerely,


Ashton Jones, AICP
City Planner II

cc: Oneiceia Howard, Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761

Form and Correctness Approved 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.:

NORFOLK, VIRGINIA

ORDINANCE No.

R-2 AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A CONVENIENCE STORE, 24-HOURS (WITH FUEL SALES) KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 800 EAST BRAMBLETON AVENUE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Convenience Store, 24-hours (with fuel sales) known as "7-Eleven" on property located at 800 East Brambleton. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 330 feet, more or less, along the northern line of East Brambleton Avenue, 309 feet, more or less, along the eastern line of Church Street, 613 feet, more or less, along the southern line of East Olney Road, and 337 feet, more or less, along the western line of Chapel Street; premises numbered 800 East Brambleton Avenue .

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The site shall be developed in accordance with the conceptual site plan entitled "conceptual layout plan," prepared by Land Design and Development, Inc., dated October, 2014, attached hereto and marked as "Exhibit A" subject to any revisions required by the City to be made during the site plan review process.
- (b) The building shall be designed in accordance with the conceptual elevation plans attached hereto and marked as "Exhibit B".
- (c) The existing, non-conforming freestanding sign shall be removed.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) No public telephone(s) shall be permitted on the exterior of the property.
- (f) During all hours of operation the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter and refuse.
- (g) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."
- (h) No business license shall be issued for any business on the property until conditions (c), above, has been complied with in its entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

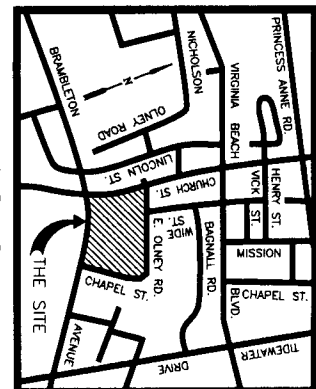
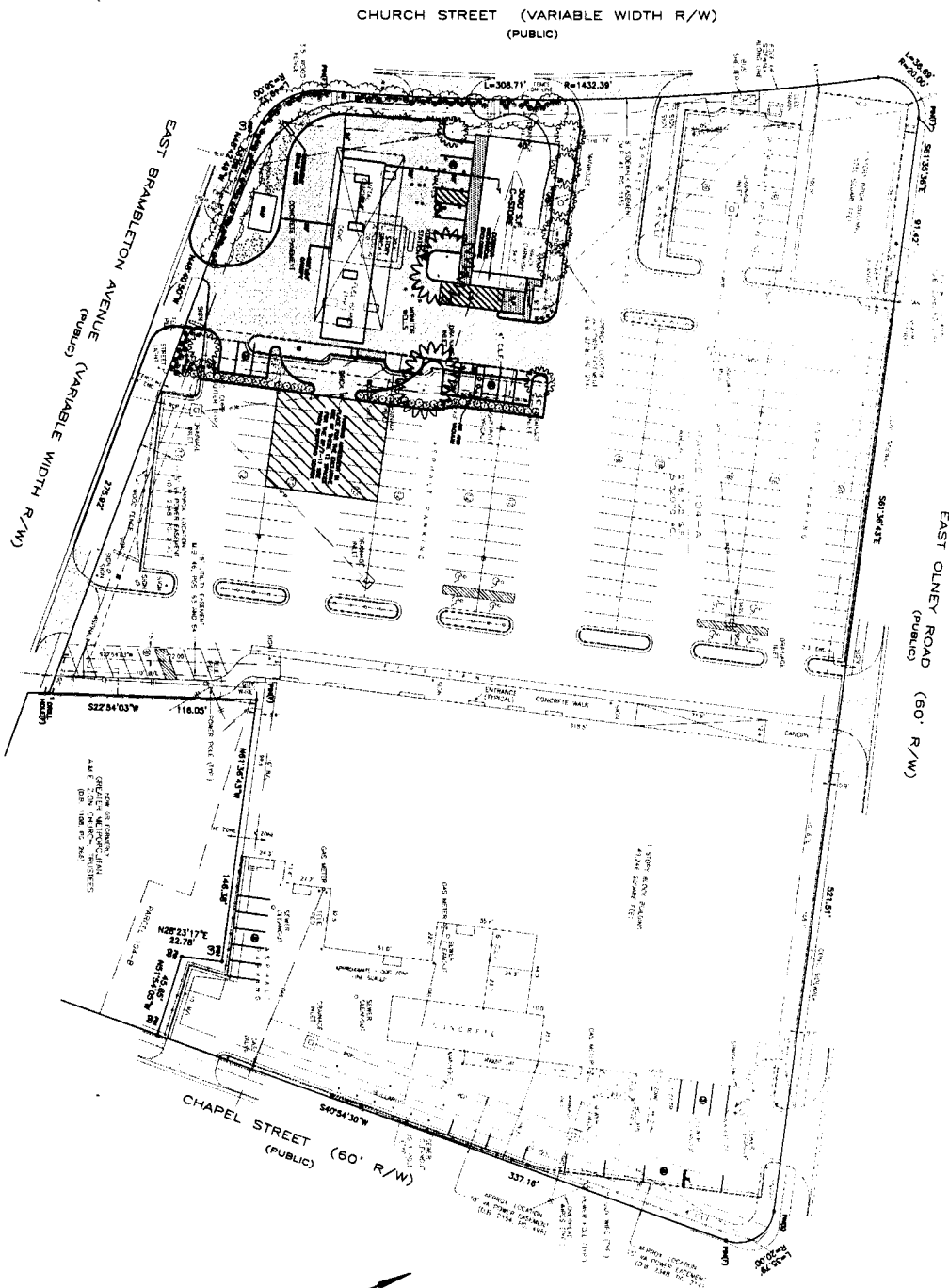
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the City as a whole;
- (j) The proposed use and development complies with all additional imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)
Exhibit B (4 pages)



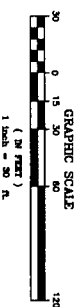
SCALE: 1" = 1000

SITE STATISTICS

- [illegible]

SHOPPING CENTER PARKING & OUT BUILDING

1. TOTAL S.F.: 54,400 S.F.
2. EXISTING PARKING: 231 SPACES
3. REQUIRED PARKING: 54,400 ÷ 300 = 182 SPACES
4. SPACES TO BP/7-11 SITE: 24 SPACES
5. SPACES REMAINING: 207 SPACES





7-11
Church Street
NORFOLK, VA



FRONT SIDE VIEW

7-11
Church Street
NORFOLK, VA

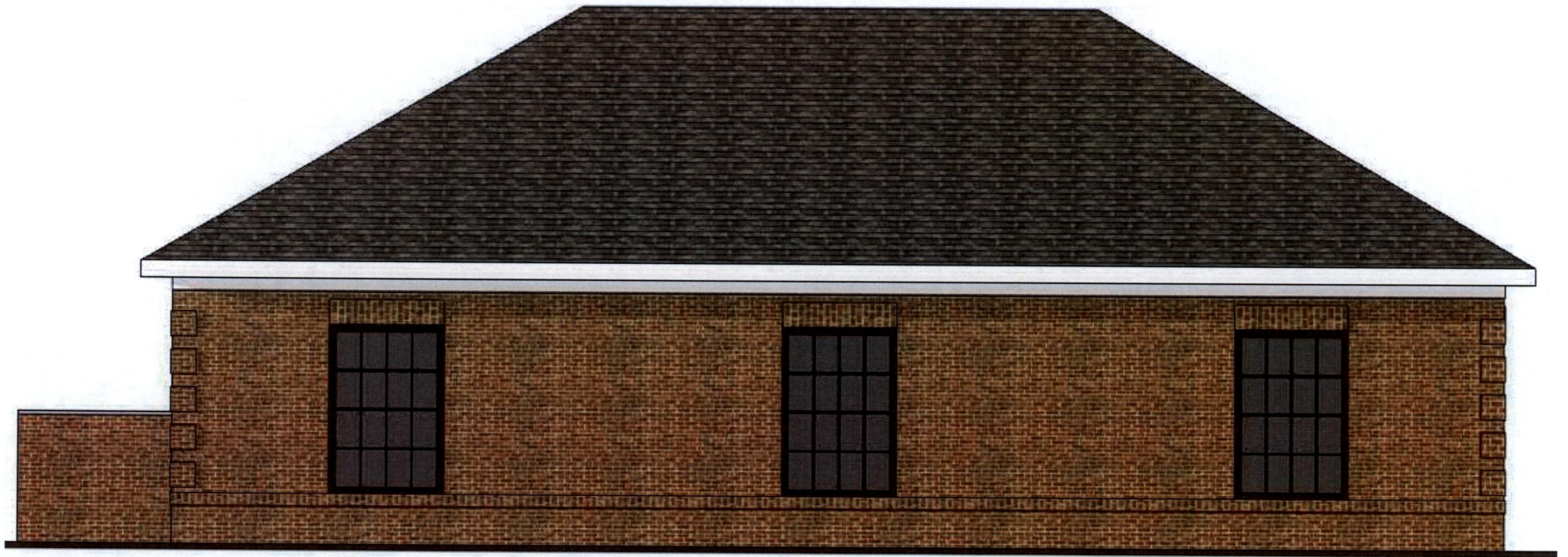


LEFT SIDE VIEW



RIGHT SIDE VIEW

7-11
Church Street
NORFOLK, VA



REAR SIDE VIEW

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R- 2A AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "7-ELEVEN" ON PROPERTY LOCATED AT 800 EAST BRAMBLETON AVENUE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Tidewater Investments, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "7-Eleven" on property located at 800 East Brambleton Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 330 feet, more or less, along the northern line of East Brambleton Avenue, 309 feet, more or less, along the eastern line of Church Street, 613 feet, more or less, along the southern line of East Olney Road, and 337 feet, more or less, along the western line of Chapel Street; premises numbered 800 East Brambleton Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 6:00 a.m. until 12:00 midnight, seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until

a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this

Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992, entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection,

refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: October 27, 2014

Name of business: 7-Eleven, Inc.

Address of business: 720 Church Street

Name(s) of business owner(s)*: See attached Exhibit

Name(s) of property owner(s)*: 720 Church Street, LLC

Name(s) of business manager(s)/operator(s): 7-Eleven, Inc.

Daytime telephone number (757) 478-0172

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 24 hours To

Friday From 24 hours To

Saturday From 24 hours To

Sunday From 24 hours To

Alcoholic Beverage Sales

Weekday From 6 a.m. To 12 midnight

Friday From 6 a.m. To 12 midnight

Saturday From 6 a.m. To 12 midnight

Sunday From 6 a.m. To 12 midnight

2. Type of alcoholic beverage applied for:

☒ Beer ☐ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:


Signature of applicant/owner